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SENATE BILL 527

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Patrick H. Lyons

AN ACT

RELATING TO GAME; PROVIDING FOR REGULATIONS FOR LANDOWNER
TAKINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 17-2-7.2 NMSA 1978 (being Laws 1997,
Chapter 224, Section 3) is amended to read:

"17-2-7.2. LANDOWNER TAKING-- CONDITIONS-- DEPARTMENT
RESPONSIBILITIES. --

A. A landowner or lessee, or employee of either,
may take or kill an animal on private land, in which they have
an ownership or leasehold interest, including game animals and
other quadrupeds, game birds and fowl, that presents an
immediate threat to human life or an immediate threat of
damage to property, including crops; provided, however, that
the taking or killing is reported to the department [~~of game~~

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 ~~and fish~~] within twenty-four hours and before the removal of
2 the carcass of the animal killed, in accordance with
3 regulations adopted by the commission.

4 B. A landowner or lessee, or employee of either,
5 may take or kill animals on private land, in which they have
6 an ownership or leasehold interest, including game animals and
7 other quadrupeds, game birds and fowl, that present a threat
8 to human life or damage to property, including crops,
9 according to regulations adopted by the commission. The
10 regulations shall:

11 (1) provide a method for filing a complaint
12 to the department by the landowner or lessee, or employee of
13 either of them, of the existence of a depredation problem;

14 (2) provide for various departmental
15 interventions, depending upon the type of animal and
16 depredation;

17 (3) ~~[require the department to offer at least~~
18 ~~three different interventions, if practical]~~ provide for the
19 landowner to implement a minimum number of interventions prior
20 to implementing the killing provision;

21 (4) require the department to respond to the
22 initial and any subsequent complaints within ten days with an
23 intervention response to the complaint and to carry out the
24 intervention, if agreed upon between the department and the
25 landowner, within five days of that agreement;

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underscored material = new
[bracketed material] = delete

1 (5) permit the landowner or lessee to reject
2 for good cause the interventions offered by the department;

3 (6) require a landowner or lessee to
4 demonstrate that the property depredation is greater in value
5 than the value of any wildlife-related income or fee collected
6 by the landowner or lessee for permission to take or kill an
7 animal of the same species on the private property or portion
8 of the private property identified in the complaint as the
9 location where the depredation occurred; ~~and~~

10 (7) permit the landowner, lessee or employee,
11 when interventions by the department have not been successful
12 and after one year from the date of the filing of the initial
13 complaint, to kill or take an animal believed responsible for
14 property depredation; and

15 (8) require the department and the landowner
16 to establish a process for salvaging the game meat.

17 C. For purposes of this section:

18 (1) "commission" means the state game
19 commi ssi on;

20 (2) "department" means the department of game
21 and fish; and

22 (3) "intervention" means a solution proposed
23 by the department to eliminate the depredation. "